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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/730,435
Filing Date: December 08, 2003
Appellant(s): CHANDRASEKHAR ET AL.

Gary W. Hamilton
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 05/04/2009 appealing from the Office action mailed 08/27/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

Based on the information supplied by the Appellants, and to the best of Appellants' legal representative's knowledge, the real party in the interest is the assignee, Dell Products L.P.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct and listed below for convenience.

Claims pending:

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

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The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,075,943	FEINMAN	6-2000
2004/0019888	JAIN ET AL.	1-2004
6,088,803	TSO ET AL.	7-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-3, 5-7, 8-10, 12-17, 19, 20 are rejected under 35 U.S.C. 103 (a) as being unpatentable over US Patent No. 6,075,943 to Feinman (hereinafter, Feinman) in view of US Publication No. 2004/0019888 to Jain et al. (hereinafter, Jain).

Per claim 1:

Feinman discloses:

A system for automated storing of software on an information handling system, comprising:

a distribution server operable to receive a software application file (col. 1, lines 53-55 “remotely transferring... application programs or files from a source computer onto a remote client”);

a repack and script regeneration server coupled to said distribution server (col. 2, lines 37-38 “packing process packages up the identified application into a compressed file”), said repack and script server operable to:

disassemble said software application file into a plurality of individual program files (col. 1, lines 59-60 “The compressed file is then unpacked on the remote client”);

generate an index of said individual program files (Feinman teaches decompression of an application and stores into a subdirectory, it would be inherent to generate the index for each decompress files, see col. 2, lines 39-42;

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generate a composite program file library containing a plurality of said program files (col. 1, lines 60-62 “the result of the decompression yields a similar sub-directory structure to that of the remote client”); and

generate scripts for automatically controlling the transfer of said program files to an information handling system (col. 2, lines 42-44 “The system in step 14 determines the delivery points and when specific application program(s) need to be delivered to these delivery points”); and

a download server configure to store said program files on a storage medium on a target information handling system (col. 3, lines 4-5 “server 11 shown has application programs which require automatic delivery to the remote clients 13”).

Feinman does not explicitly disclose identify and remove redundant program files.

However, Jain discloses in an analogous computer system identify and remove redundant program files (paragraph [0008] “Any subdirectories pointed to by any of the plurality of links that contain redundant files are detected and any links pointing to redundant files are removed from the primary directory” also see paragraphs [0025], [0034], [0036], [0037], [0038]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of identify and remove redundant program files as taught by Jain into the method of packing and unpacking the software application and installing software application into a computer system as taught by Feinman. The modification would be obvious because of one of ordinary skill

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in the art would be motivated to identify and remove redundant program files to minimize the installation time and saving the computer memory as suggested by Jain (paragraph [0005]).

Per claim 2:

The rejection of claim 1 is incorporated and further, Feinman discloses:

The system of claim 1, further comprising a script validation server coupled to said repack and script regeneration server and said distribution server, said script validation server configured to generate commands to automatically control the downloading of said program files to a target information handling system (FIG. 1B, element 11 and FIG. 7, element 3; col. 3, lines 44-67 and col. 4, lines 1-4).

Per claim 3:

The rejection of claim 1 is incorporated and further, Feinman discloses:

The system of claim 1, wherein said download server comprises a software image cache, said composite program file library being stored in said software image cache (col. 1, lines 60-62 “the result of the decompression yields a similar sub-directory structure to that of the remote client”).

Per claim 5:

The rejection of claim 1 is incorporated and further, Feinman discloses:

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The system of claim 1, further comprising a test control server configured to confirm the download of said software file to said target information handling system and to verify proper operation of said software file on said target information handling system (FIG. 5, element 70; col. 3, lines 40-43, and col. 5, lines 18-21).

Per claim 6:

The rejection of claim 1 is incorporated and further, Feinman discloses:

The system of claim 1 wherein said distribution server is configured to notify a manager regarding the status of the program files within the software distribution system (col. 2, lines 60-63 “The automatic installation system, in step 24, verifies, through several checks, that each application program was installed successfully. The automatic installation system maintains three logs; a summary log, an error log and a full log”).

Per claim 7:

The rejection of claim 1 is incorporated and further, Feinman discloses:

The system of claim 1 further comprising an archive server, wherein said repack and script regeneration server is configured to transfer copies of composite program file library to said archive server for storage thereon (col. 3, lines 20-25 “an application program consists of multiple subdirectories, all subdirectories the application program uses are remembered in the compressed file... the decompression process needs to recreate the exact directory structure”).

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Per claim 8:

Feinman discloses:

A method for automated dissemination of software to an information handling system, comprising:

receiving a software application file (col. 1, lines 53-55 “remotely transferring...

application programs or files from a source computer onto a remote client”);

disassembling said software application file into a plurality of individual program files

(col. 1, lines 59-60 “The compressed file is then unpacked on the remote client”);

generating an index of said individual program files (Feinman teaches decompression of an application and stores into a subdirectory, it would be inherent to generate the index for each decompress files, see col. 2, lines 39-42;

generating a composite program file library containing a plurality of said program files

(col. 1, lines 60-62 “the result of the decompression yields a similar sub-directory

structure to that of the remote client”); and

transferring said software to a target information handling system (col. 3, lines 4-5

“server 11 shown has application programs which require automatic delivery to the remote clients 13”).

Feinman does not explicitly disclose identifying and removing redundant program files.

However, Jain discloses in an analogous computer system identifying and removing redundant program files (paragraph [0008] “Any subdirectories pointed to by any of the plurality of links that contain redundant files are detected and any links

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pointing to redundant files are removed from the primary directory” also see paragraphs [0025], [0034], [0036], [0037], [0038]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of identifying and removing redundant program files as taught by Jain into the method of packing and unpacking the software application and installing software application into a computer system as taught by Feinman. The modification would be obvious because of one of ordinary skill in the art would be motivated to identifying and removing redundant program files; to minimize the installation time and saving the computer memory as suggested by Jain (paragraph [0005]).

Claims 9, 12, 10 are the method claim corresponding to system claims 2, 5, 3 and rejected under the same rational set forth in connection with the rejection of claims 2, 5, 3 above.

Claims 13 are the method claim corresponding to system claims 6, and rejected under the same rational set forth in connection with the rejection of claims 6, above.

Claims 14 is the method claim corresponding to system claims 7 and rejected under the same rational set forth in connection with the rejection of claims 7, above.

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Claims 15, 20 are the apparatus claim corresponding to method claims 1 and 6 respectively, and rejected under the same rationale set forth in connection with the rejection of claims 1 and 6 respectively, above.

Claims 17, 16, 19 are the system claim corresponding to system claims 2, 5, 3 and rejected under the same rationale set forth in connection with the rejection of claims 2, 5, 3, above.

Claims 4, 11, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinman in view of Jain and further in view of US Patent No. 6,088,803 to Tso et al. (hereinafter, Tso).

Per claim 4:

The rejection of claim 1 is incorporated and further, neither Feinman nor Jain explicitly discloses wherein said distribution server is configured to scan said program files for viruses.

However, Tso discloses in an analogous computer wherein said distribution server is configured to scan said program files for viruses (FIG. 2, element 40; col. 2, lines 62-67; and col. 3, lines 1-5).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of wherein said distribution server is configured to scan said program files for viruses as taught by Tso in the method of software installation for a build-to-order as taught by the combination of

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Feinman and Jain. The modification would be obvious because of one of ordinary skill in the art would be motivated to wherein said distribution server is configured to scan said program files for viruses in order to minimize breaches in system integrity as suggested by Tso (col. 1, lines 27-28).

Claims 11 are the method claim corresponding to system claims 4 and rejected under the same rationale set forth in connection with the rejection of claims 4, above.

Claims 18 is the system claim corresponding to system claims 4 and rejected under the same rationale set forth in connection with the rejection of claims 4, above.

(10) Response to Argument

Appellant argued that the combination of Feinman and Jain fails to teach the limitation “identifying and remove redundant program files” and alleges that Jain only teaches deleting the links to the redundant files as recited in claims 1, 8, and 15.

Examiner respectfully disagrees. It is noted that the rejection clearly points out where the combination of Feinman and Jain teach the claimed features and why it would have been obvious to combine their teachings. More particularly, the office action acknowledges that Feinman does not explicitly disclose the limitations “identifying and remove redundant program files”. However, as indicated in the rejection above and in the previous response to the appellant that Jain NOT only discloses removing the links to

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the redundant files but also discloses removing duplicate files, conflicting files, excess processed files, see paragraphs [0025], [0034], [0036], [0037], [0038] and copied below for convenience. Hence, Jain not just teaches deleting the links to the redundant files but also teaches deleting the redundant files to create the optimized installation package.

[0025] One example of a generator system 220 employs the following steps:

...

[0034] 9. Removing duplicate file entries;

...

[0036] 11. Removing duplicates from conflicting files;

[0037] 12. Removing conflicting files from the main list;

[0038] 13. Removing excess processed files;

Therefore, the combination of Feinman and Jain discloses the above argued limitations as explained above and in the rejection below.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Satish Rampuria
/Satish Rampuria/
Examiner, Art Unit 2191

Conferees:

Wei Y. Zhen

/Wei Y Zhen/

Supervisory Patent Examiner, Art Unit 2191

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Supervisory Patent Examiner, Art Unit 2193